08-29-05

PTO/SB/21 (02-04) // Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/661,386 Filing Date 09/12/2003 RANSMITTAL **FORM** First Named Inventor Joseph Rubinfeld (to be used for all correspondence after initial filing) Art Unit 1614 **Examiner Name** Not yet assigned 7 Total Number of Pages in This Submission Attorney Docket Number 12636-305 ENCLOSURES (Check all that apply) After Allowance communication to Fee Transmittal Form Drawing(s) Technology Center (TC) Appeal Communication to Board Fee Attached Licensing-related Papers of Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) Terminal Disclaimer (please identify below): return Extension of Time Request receipt postcard Express Abandonment Request Request for Refund CD, Number of CD(s) Information Disclosure Statement Certified Copy of Priority Remarks Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY OR AGENT Firm Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI Individual name Signature Date Express Mail Date: August 25, 2005 Express Mail Label No.: EV 518897216 US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2,



EXPRESS MAIL LABEL NO.: EV 518897216 US

PATENT Attorney Docket No. 12636-305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Joseph RUBINFELD

Serial Number: 10/661,386

Filing Date: September 12, 2003

Title: COMPOSITIONS AND METHODS FOR

TREATMENT OF CANCER

Group Art Unit: 1614

Examiner: Not yet assigned

CONFIRMATION NO: 6702

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

<u>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</u> UNDER 37 C.F.R. §1.97

Sir:

Applicant hereby submits an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicant respectfully requests that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

2712160_1.DOC Attorney Docket No. 12636-305

⊠ becaus		R §1.97(b). This Information Disclo	sure Statement should be considered by the Office
			s of the application filing date of a national application rosecution application under §1.53(d);
		(2) It is being filed within 3 month an international application; OR	ns of entry of a national stage as set forth in §1.491 in
	\boxtimes		ing date of the first Office Action on the merits;
		(4) It is being filed before the mail for continued examination und	ing of a first Office Action after the filing of a request er §1.114.
	specifi office closes	ed in 37 CFR §1.97(b), above, it is file action under §1.113, (2) a notice of all	Disclosure Statement is being filed after the period d before the mailing date of the earlier of (1) a final awance under §1.311, or (3) an action that otherwise on Disclosure Statement should be considered because
		a certification as specified in §1.97(e) p	rovided concurrently herewith;
			(p) authorized below, enclosed, or included with the with this statement.
	date of	the earlier of (1) a final office action un	Disclosure Statement is being filed after the mailing nder §1.113 or (2) a notice of allowance under §1.311, e and should be considered because it is accompanied
	A.	a certification as specified in §1.97(e);	and ·
	В.	a fee of \$180.00 as set forth in \$1.17(payment of other papers filed together	p) is authorized below, enclosed, or included with the with this Statement.
		R $\S1.97(e)$. A certification signed by an 37 CFR $\S\S1.97(b)$ and (c).	Attorney of Record is provided herewith as required
\boxtimes	37 CF.	R $\S1.98(a)(2)$. The content of the Inform	ation Disclosure Statement is as follows:
		Copies of each of the references list herewith.	ed on the attached Form PTO/SB/08A are enclosed
	\boxtimes	attached Form PTO/SB/08A are NOT	ssued patents and patent publications) listed on the enclosed.
		AND/OR	
		· ·	and/or Non Patent Literature Documents listed on the ed in accordance with 37 CFR §1.98(a)(2).

		AND/OR
		Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).
\boxtimes	37 CF referen	$R \ \S 1.98(a)(3)$. The Information Disclosure Statement includes non-English patents and/or ices.
		Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith. DE 1922702 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure. EP 0286958 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure. JP 05219974, JP 2002223753, JP 2002370939 and JP 2003310293 were published in Japanese. The English language abstracts are sufficient to convey the scope of their disclosure. WO 03/046190 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure. Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicant(s) will endeavor to provide such translations at the Examiner's request.
		Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith. CS 269077 was published in Czech. The English language translation and the drawings are sufficient to convey the scope of its disclosure. DE 2105468 was published in German. The English language translation and the drawings are sufficient to convey the scope of its disclosure.
		ed are copies of search report(s) from corresponding patent application(s), submitted in

Respectfully submitted,

Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication

WILSON SONSINI GOODRICH & ROSATI

Dated: 8-24-05

to Deposit Account No. 23-2415 (Docket No.12636-305).

Shirley Chen, Reg. No. 44,608

650 Page Mill Road Palo Alto, CA 94304-1050 (650) 493-9300 Customer No. 021971

 \boxtimes

Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

bubstitute for form 1449/PTO
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Application Number 10/661,386

Filing Date 09/12/2003

First Named Inventor Joseph Rubinfeld

Art Unit 1614

Examiner Name Not yet assigned

Complete if Known

Sheet 1 of 3 Atto

Attorney Docket Number | 12636-305

	•	U.S. PA	ATENT DOC	UMENTS	
Examiner	Cite	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Initials*	No.1	Number-Kind Code ² (if known)		Applicant of Cited Document	
		US-2002/0114809 A1	02/21/2001	Rubinfeld, et al.	
		US-2002/0136709 A1	07/31/2001	Zahner, et al.	
		US-2003/0039689 A1	04/26/2002	Chen, et al.	
		US-2003/0108588 A1	09/17/2002	Chen, et al.	
		US-2003/0147813 A1	02/07/2002	Lyons	
		US-2003/0158598 A1	01/14/2003	Ashton, et al.	
		US-2003/0229047 A1	06/05/2002	Joshi-Hangal, et al.	
		US-2004/0019036 A1	09/05/2001	Robin, et al.	
		US-5,736,531	12/30/1993	Von Borstel, et al.	
		US-5,968,914	10/28/1987	Von Borstel, et al.	
				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
					•
					-
					,

Examiner	Date	
Signature	Considered	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Index the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

				Complete if Known		
Substitute fo	or form 1449	9/PTO		Application Number	10/661,386	
INFORMATION DISCLOSURE				Filing Date	09/12/2003	
STATEMENT BY APPLICANT				First Named Inventor	Joseph Rubinfeld	
(Use as	(Use as many sheets as necessary)			Art Unit	1614	
·				Examiner Name	Not yet assigned	
Sheet	2	of	3	Attorney Docket Number	12636-305	

Examiner Initials*	Cite No. Foreign Patent Document Country Code ³ - Number ⁴ - Kind Code ³ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		CS 269077	12/22/1963	Ceskoslovenska		1
				akademie ved, (Prag)		
		DE 1922702	05/03/1969	Ceskoslovenska		T
			İ	akademie ved, (Prag)		
		DE 2105468	02/05/1971	Ceskoslovenska		Τ
				akademie ved, (Prag)		
		EP 286958	04/06/1988	Merck Pg		<u> </u>
		JP 05219974	02/13/1992	Mitsui Petrochem Ind		Τ
				Ltd		
		JP 2002223753	01/30/2001	Hitachi		
		JP 2002370939	06/12/2001	Taisho Pharmaceutical	,	
				Co. Ltd.		L
		JP 2003310293	04/26/2002	Mitsui Chemical Inc.		
		WO 93/01202	07/05/1991	Pro-Neuron, Inc.		
		WO 94/26761	05/14/1993	Pro-Neuron, Inc.		Τ
		WO 94/27632	06/01/1993	Nycomed Pharma A/S		Τ
		WO 96/40165	06/07/1995	Pro-Neuron, Inc.		T
		WO 99/01118	07/01/1997	Artherogenics, Inc.		t
		WO 00/23112	10/19/1998	Methylgene, Inc.		\dagger
		WO 00/40269	01/05/1999	Clarence Lee		+
		WO 00/74634 A2	06/03/1999	AU, Jessie, L., S.		H
		WO 01/79164 A2	03/21/2000	Atherogenics, Inc.		t
		WO 02/47611 A2	11/28/2000	Board of Regents of		t
				the University of		
				Texas System		
		WO 02/053138 A2	01/02/2001	Shanahan-Prendergast,		T
				Elisabeth		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO INFORMATION DISCLOSURE				Complete if Known		
				Application Number	10/661,386	
				Filing Date	09/12/2003	
STATEMENT BY APPLICANT				First Named Inventor	Joseph Rubinfeld	
(Use a	s many sheet:	s as ne	cessary)	Art Unit	1614	
				Examiner Name	Not yet assigned '	
Sheet	3	of	3	Attorney Docket Number	12636-305	

		FOREIGN	PATENT DO	CUMENTS	·	
Examiner Initials*	Cite No.1	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ³ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		WO 02/057425 A2	01/22/2001	Merck & Co., Inc.	Relevant Figures Appear	╁
						
		WO 02/076486 A2	02/05/2001	Innoventus Project AB		
		WO 02/085400 A1	04/24/2001	Supergen, Inc.		
		WO 03/020252 A2	09/05/2001	Oncopharm		
				Corporation		-
		WO 03/026574 A2	09/24/2001	AU, Jessie, LS.		
		WO 03/046190 A1	11/30/2001	Medigene		Γ
				Aktiengesellschaft		
		WO 03/065995 A2	02/07/2002	SuperGen, Inc.		
		WO 03/076593 A2	03/07/2002	The Johns Hopkins		
				University School of		İ
				Medicine		1
		WO 03/076594 A2	03/07/2002	The Johns Hopkins		
			:	University	•	
		WO 2003/087774 A3	04/12/2002	Curators of the		
				University of Missouri		
		WO 03/092623 A2	05/02/2002	Wyeth Holdings		Π
				Corporation		
		WO 2004/009023 A2	07/18/2002	University of Utah		
				Research Foundation		
Examiner	1			Date		

Jighaluic	1	Considered	
*EXAMINER: I	Initial if reference considered, whether or not citation is in conformance with	MPEP 609. Draw line through cita	tion if not in conformance and not
considered. Inclu	lude copy of this form with next communication to applicant. Applicant's	unique citation designation number	(optional). ² See Kinds Codes of
	Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued		
	documents, the indication of the year of the reign of the Emperor must prece		
the appropriate s	symbols as indicated on the document under WIPO Standard ST.16 if poss	sible. 6Applicant is to place a chec	k mark here if English language

Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.